



December 10, 2013

Timothy J. Myers, Engineer  
Gogebic Taconite, LLC  
402 Silver Street  
Hurley, WI 54534

Subject: Review of Revised Bulk Sample Plan dated November 25, 2013

Dear Mr. Myers:

The Department of Natural Resources has completed its review of the *Bulk Sample Plan Response to Comments dated August 13, 2013*, received by the Department on November 26, 2013 ("Revised Bulk Sample Plan"). In accordance with s. 295.45(3), Stats., the Department is required to identify, in writing, all approvals that will be required before bulk sampling may be initiated and any information the Department needs to issue a decision relating to bulk sampling approvals. This letter conveys the Department's final determination regarding the permits and approvals that are required to conduct the bulk sampling activity as described in the Revised Bulk Sample Plan.

As indicated in previous correspondence, it will be necessary for you to obtain a storm water permit, and based on the information submitted to date we have determined that coverage under the State's General Discharge Permit for Construction Site Storm Water Runoff (General Permit # WI-S067831-4) will be required prior to initiating bulk sampling activities. Gogebic Taconite, LLC submitted the application package for coverage under the general permit on December 2, 2013. The storm water permit application is currently under review. The timelines for our review of this application will be as set forth in s. 295.45(3), (4) & (9), Stats. We have made the following additional determinations with regard to the submissions that will be needed for bulk sampling.

Based on the information provided related to potential air emissions, the Department has determined that the proposed bulk sampling plan/activity appears to meet the criteria established in s. NR 407.03(1m)(a)1.a.-c.&2., Wis. Adm. Code, for exemption from the requirement to obtain an air pollution operation permit. In addition, s. NR 406.04(1)(zh), Wis. Adm. Code, states that any stationary source which is exempt from the requirement to obtain an operation permit under s. NR 407.03(1m), Wis. Adm. Code, is also exempt from the requirement to obtain a construction permit for any construction at a stationary source. Gogebic Taconite, LLC should submit a claim of exemption in accordance with chs. NR 406 and 407 for activities related to the proposed bulk sampling plan. This review of pertinent air permitting regulations is strictly in regard to the requirement to obtain an air pollution control permit under chs. NR 405-NR 408, Wis. Adm. Code, as they pertain to the proposed bulk sampling activity. An exemption from permit requirements is not an exemption from any other potentially applicable regulations under chs. NR 400-499, Wis. Adm. Code.

Since the land affected by the proposed bulk sampling activity is enrolled in the Managed Forest Land program, cutting notices and reports must be filed with the county clerk and Department Forester as follows:

- County Cutting Notice (s. 26.03(1m), Stats.) – A cutting notice must be filed with the county clerk in each county in which harvesting of trees will occur. You will be given

permission to cut trees if there are no delinquent property taxes on the land. Please contact the Iron County Clerk at (715) 561-3375.

- MFL Cutting Notice and Report (s. 77.86, Stats.) – An MFL cutting notice must be filed at least 30 days prior to cutting any timber from MFL lands. Please fill out the cutting notice at <http://dnr.wi.gov/topic/ForestLandowners/documents/2450032.pdf> and mail it to:

Jerry Crow  
Department of Natural Resources  
518 W. Somo Avenue  
Tomahawk, WI 54487

When the MFL cutting notice is provided to Mr. Crow, please also forward a copy to me.

Finally, as you know, a bond is required for the bulk sampling activity. You have already filed a \$5,000 bond as required by s. 295.45(5), Stats. The Department will be reviewing the reclamation plan information you have submitted and will inform you whether this amount is adequate to fund the cost to the state of completing the proposed revegetation plan, as required by s. 295.45(5)(d), Stats.

This description of pertinent regulatory requirements is only applicable to those regulatory programs implemented by the Department of Natural Resources. It does not consider other potentially applicable requirements administered by other state, local or federal agencies and jurisdictions. It is the responsibility of Gogebic Taconite, LLC to determine whether such regulations may apply to the proposed bulk sampling activity and, if so, obtain the necessary approvals or permits prior to conducting the activity.

Please contact me if you have any questions concerning the information in this letter. Within the next 10 days we will be sending you a separate letter requesting additional clarifying information on the proposed bulk sampling activity. This information will aid in our review of the proposed bulk sampling activity but is not needed in order to make the regulatory determinations described herein.

Sincerely,



Lawrence J. Lynch, P.G., Hydrogeologist  
Hazardous Waste and Mining Section  
Bureau of Waste & Materials Management